

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No.8

### Bill No. 39-2009

Introduced by: The Chairperson at the request of the County Executive  
Co-sponsored by: Jennifer Terrasa, Councilmember, and Courtney Watson, Councilmember

AN ACT amending the requirements for presubmission community meetings to require notice to certain parties in certain formats, to prohibit meetings from being scheduled on certain holidays consistent with Council Resolution No. 6-2006, to make certain technical corrections, requiring pre-submission community meetings for certain non-residential development, including certain expansions of existing non-residential uses and generally related to presubmission community meetings.

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Introduced and read first time \_\_\_\_\_, 2009. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2009.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

This Bill was read the third time on \_\_\_\_\_, 2009 and Passed \_\_\_\_, Passed with amendments \_\_\_\_, Failed \_\_\_\_.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2009 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2009

\_\_\_\_\_  
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. *Be It Enacted*** by the County Council of Howard County, Maryland, that  
2 *paragraph (28.1) of subsection (b) of Section 16.108 “Rules of Construction;*  
3 *Definitions” of Article I “General” of Subtitle 1 “Subdivision and Land Development*  
4 *Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development*  
5 *Regulations” of the Howard County Code is amended to read as follows:*

6  
7 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

8 **Subtitle 1. Subdivision and Land Development Regulations.**

9 **Article I. General.**

10  
11 **Section 16.108. Rules of Construction; Definitions.**

12 (b) *Definitions:* As used in these regulations, the following terms shall be defined as  
13 follows:

- 14 (28.1) *Initial plan submittal:* For REQUIRED PRE-SUBMISSION COMMUNITY  
15 MEETINGS [[the purposes of residential infill development requirements]],  
16 the initial plan submittal is the:
- 17 (i) Zoning petition, if it includes a site plan or a preliminary  
18 development plan;
  - 19 (ii) Conditional use petition, if required;
  - 20 (iii) Sketch plan or preliminary equivalent sketch plan for a major  
21 subdivision;
  - 22 (iv) Final plan for a minor subdivision or resubdivision; or
  - 23 (v) Site development plan for single family units on deeded parcels, or  
24 for condominium or rental units on a parcel which is not part of a  
25 recorded subdivision that authorized an equal or greater number of  
26 residential units than proposed on the site development plan.

27  
28 **Section 2. *And Be It Enacted*** by the County Council of Howard County, Maryland, that  
29 *Section 16.128 “Pre-submission community meetings; exceptions” of Article II “Design*  
30 *Standards and Requirements”, Subsection (a) of Section 16.144 “General Procedures*  
31 *Regarding the Subdivision Process”, of Article IV “Procedures for Filing and Processing*

1 Subdivision Applications”, and Subsection (a) of Section 156 “Procedures”, of Article V.  
2 “Procedures for Filing and Processing Site Development Plan Applications”, all of  
3 Subtitle 1 “Subdivision and Land Development Regulations” of Title 16 “Planning,  
4 Zoning and Subdivisions and Land Development Regulations” of the Howard County  
5 Code is amended to read as follows:

6  
7 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

8 **Subtitle 1. Subdivision and Land Development Regulations.**

9 **Article II. Design Standards and Requirements.**

10  
11 **Section 16.128. Pre-submission community meetings; exceptions.**

12 *Pre-submission Community Meeting:* ~~A~~ THE FOLLOWING PROCEDURES ARE REQUIRED FOR  
13 A pre-submission community meeting is required prior to the initial submission of plans  
14 for all new residential developments according to the following procedures:

- 15 (a) The initial plan submittal shall be as defined in section 16.108 of this  
16 subtitle.
- 17 (b) The meeting shall be:
- 18 (1) Held at a location within the community, in a public or institutional  
19 building located within approximately five miles of the subject  
20 property; and
- 21 (2) Scheduled to start between 6 p.m. and 8 p.m. on a weekday  
22 evening, or to be held between 9 a.m. and 5 p.m. on a Saturday,  
23 excluding all official county holidays and Rosh Hashanah, Yom  
24 Kippur, Eid Ul Fitr, [[or Eid Ul Adha]] EID UL ADHA, OR CHINESE  
25 NEW YEAR.
- 26 (c) The developer shall provide three weeks advance notice regarding the  
27 date, time, and location of the pre-submission community meeting to be  
28 held for a ~~new residential~~ development project [[to]] AS FOLLOWS:
- 29 (1) NOTICE SHALL BE SENT BY FIRST CLASS MAIL WITH DELIVERY  
30 CONFIRMATION NOTICE TO:

- 1 (I) All adjoining property owners identified in the records of  
2 the State Department of Assessments and Taxation[, by  
3 first-class mail]]; and  
4 [[(2) The Department of Planning and Zoning, which will place the  
5 meeting notice on the Department's web site; and]]  
6 [[(3) The Howard County Council; and]]  
7 [[(4)] (II) Any community association that represents the  
8 GEOGRAPHIC area of the subject property or any [[adjacent]]  
9 ADJOINING properties; AND  
10 (2) NOTICE SHALL BE SENT ELECTRONICALLY TO:  
11 (I) ANY COMMUNITY ASSOCIATION REGISTERED WITH THE  
12 COUNTY TO BE NOTIFIED ABOUT PROJECTS IN A CERTAIN  
13 GEOGRAPHIC AREA;  
14 (II) THE HOWARD COUNTY COUNCIL; AND  
15 (III) THE DEPARTMENT OF PLANNING AND ZONING, WHICH  
16 SHALL PLACE THE MEETING NOTICE ON THE DEPARTMENT'S  
17 WEB SITE.

18 The property involved shall be posted with the time, date and place of the  
19 initial meeting. The sign shall include the address of Department of  
20 Planning and Zoning's website. The property shall be posted for at least  
21 two weeks immediately before the meeting. The poster shall be double-  
22 sided and at least 30 inches by 36 inches in size. The poster shall include a  
23 three digit alphanumeric code, which would be used to identify the case.  
24 The alphanumeric code shall be posted by the Department of Planning and  
25 Zoning in at least five-inch lettering in the top left corner of the poster.  
26 The Department of Planning and Zoning shall determine the number of  
27 posters required and their location and the petitioner shall bear the expense  
28 of posting. The posters shall be erected perpendicular to the road which  
29 serves as the mailing address of the subject property. The Department of  
30 Planning and Zoning shall supply the posters. The petitioner shall properly  
31 erect and maintain the posters.

1 (d) The pre-submission community meeting is for the developer to provide  
2 information to the community regarding the proposed ~~residential~~  
3 development and to allow community residents to ask questions and make  
4 comments. WHILE THE DEVELOPER IS ENCOURAGED TO WORK WITH THE  
5 COMMUNITY TO ACHIEVE A MUTUALLY ACCEPTABLE SOLUTION TO ANY  
6 CONCERNS, UNLESS A CHANGE IS REQUIRED BY THIS SUBTITLE OR THE  
7 ZONING REGULATIONS, THE DEVELOPER IS NOT REQUIRED TO CHANGE THE  
8 PROPOSED DEVELOPMENT IN RESPONSE TO COMMENTS MADE AT THE PRE-  
9 SUBMISSION COMMUNITY MEETING.

10 ~~(e) A certification that meeting notices were mailed and a summary of the~~  
11 ~~comments made by residents at the pre-submission community meeting~~  
12 ~~shall be transmitted by the developer to the Department of Planning and~~  
13 ~~Zoning when the initial plans are submitted for County review.~~

14 (E) THE DEVELOPER SHALL MAINTAIN A RECORD OF THE NAMES, ADDRESSES AND, IF  
15 AVAILABLE, ELECTRONIC MAIL ADDRESSES FOR ALL ATTENDEES TO THE PRE-  
16 SUBMISSION COMMUNITY MEETINGS, AND SHALL COMPILE COMPREHENSIVE  
17 MINUTES OF THESE MEETINGS. THE DEVELOPER SHALL PREPARE A WRITTEN  
18 RESPONSE TO ALL OF THE MAJOR COMMENTS RECORDED IN THE MINUTES. THE  
19 DEVELOPER SHALL SEND A COPY OF THE MINUTES AND WRITTEN RESPONSES TO  
20 THE MEETING ATTENDEES AND THE DEPARTMENT OF PLANNING AND ZONING  
21 EITHER ELECTRONICALLY OR BY FIRST CLASS MAIL. ALSO, CERTIFICATION THAT  
22 THE MEETING NOTICES WERE MAILED AND CONTACT INFORMATION FOR THE  
23 ATTENDEES SHALL BE TRANSMITTED TO THE DEPARTMENT OF PLANNING AND  
24 ZONING WHEN INITIAL PLANS ARE FILED AND SHALL BECOME PART OF THE  
25 OFFICIAL RECORD.

26 (f) Citizens may request a meeting with a staff member of the Department of  
27 Planning and Zoning to review the development proposal after the initial  
28 plan has been formally submitted to the department.

29 (g) If the developer does not submit plans to the Department of Planning and  
30 Zoning within 1 year of the pre-submission community meeting, another  
31 pre-submission community meeting and notification in accordance with  
32 [[subsection b(1) of]] this section shall be required.

1  
2 **Article IV. Procedures for Filing and Processing Subdivision Applications**

3  
4 **Sec. 16.144. General Procedures Regarding the Subdivision Process.**

5 Except as provided in Section 16.102 of this Subtitle, all proposals to subdivide  
6 land shall be processed in accordance with the following procedures:

- 7  
8 (a) Pre-Submission Community Meeting: A pre-submission community meeting  
9 is required prior to the initial submission of RESIDENTIAL sketch plans or  
10 preliminary equivalent sketch plans in accordance with section 16.128 of this  
11 article.

12  
13 **Article V. Procedures for Filing and Processing Site Development Plan Applications**

14  
15 **Sec. 16.156. Procedures.**

- 16 (a) Pre-Submission Community Meetings, REQUIRED: [[If the initial plan  
17 submittal for a residential development is a site development plan, the  
18 developer is required to hold a pre-submission community meeting in  
19 accordance with Section 16.128 of this Subtitle.]] PRE-SUBMISSION  
20 COMMUNITY MEETINGS IN ACCORDANCE WITH SECTION 16.128 OF THIS  
21 SUBTITLE ARE REQUIRED FOR THE FOLLOWING SITE PLAN SUBMITTALS:

22 (1) IF THE INITIAL PLAN SUBMITTAL FOR A RESIDENTIAL DEVELOPMENT IS A  
23 SITE DEVELOPMENT PLAN; OR

24 (2) IF THE SITE DEVELOPMENT PLAN SUBMITTAL IS FOR:

25 a. A NEW NON-RESIDENTIAL DEVELOPMENT LOCATED WITHIN 200 FEET  
26 OF A RESIDENTIAL ZONING DISTRICT; OR

27 b. AN EXISTING NON-RESIDENTIAL DEVELOPMENT WHICH IS LOCATED  
28 WITHIN 200 FEET OF A RESIDENTIAL ZONING DISTRICT AND  
29 PROPOSED FOR A FLOOR AREA EXPANSION OF MORE THAN 25  
30 PERCENT.

- 1    ***Section 3. And Be It Further Enacted*** by the County Council of Howard County,
- 2    *Maryland, that this Act shall become effective 61 days after its enactment.*